

PTO/SB/21 (05-03)

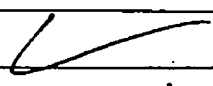
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<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/014,991
	Filing Date	July 13, 2000
	First Named Inventor	Richard L. Antrim et al.
	Art Unit	1623
	Examiner Name	Howard Owens
Total Number of Pages in This Submission	Attorney Docket Number	006401.00029

ENCLOSURES (check all that apply)		
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In re application of )

Antrim et al. )

Serial No.: 09/614,961 )

Filed: July 13, 2000 )

REDUCED MALTO-  
OLIGOSACCHARIDES

Attorney Docket: 006401.00029

Group Art Unit: 1623

Examiner: Howard Owens

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**RESPONSE**

In response to the Office Action mailed September 9, 2003, please reconsider the application in light of the following remarks.

**The Double Patenting Rejection**

Applicants submit herewith a terminal disclaimer. It is noted that the '065 application has issued as U.S. patent 6,613,898.

**Section 103 Rejection**

Applicants submit that the Section 103 Rejection is not well founded. The Office Action states that "Borden teaches the catalytic hydrogenation of malto-oligosaccharide species..." This is simply not true. The Borden references directed towards the catalytic hydrogenation of polydextrose or polymaltose species, not malto-oligosaccharides.

The Office Action further points out that the hydrogenated polydextrose and polymaltose have certain improved properties such as improved color and so forth. The Office Action then asserts that this teaching somehow constitutes a suggestion of the invention. Applicants respectfully disagree. Polydextrose, polymaltose, and malto-oligosaccharides are chemically distinct. The Borden reference is silent as to malto-oligosaccharides or any other hydrogenated substrate except for a polymaltose or polydextrose. There is no teaching or suggestion in Borden to apply the teachings set forth therein to malto-oligosaccharides or any other chemical species.

Moreover, even if it could be said that Borden did provide such motivation, there is no teaching in Borden that any of the conditions set forth therein would actually work in connection with malto-oligosaccharides. In this respect, there are differences in

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stability between maltodextrins and the chemicals disclosed by Borden. There is simply no suggestion that the catalytic hydrogenation disclosed by Borden would be at all suitable for malto-oligosaccharides. Thus, even assuming that a motivation was somehow found in the Borden reference, at most the Office Action has established that it is obvious to try the disclosure on malto-oligosaccharides. This motivation is insufficient to amount to a Section 103 Rejection.

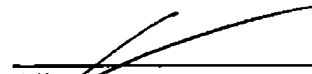
In short, Borden is deficient, and a Section 103 Rejection cannot be premised thereon. Applicants respectfully request withdrawal of the rejection.

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**Conclusion**

For these reasons, allowance is respectfully solicited.

Respectfully submitted,

  
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